

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Lakessa Taylor,</b>	)	<b>CASE NO. 20 CV 785</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>Vs.</b>	)	
	)	
<b>City of East Cleveland,</b>	)	<b><u>Memorandum of Opinion and Order</u></b>
	)	
<b>Defendant.</b>	)	

This Court must be convinced that it possesses subject matter jurisdiction before it can proceed with a case. Having reviewed defendant's notice of removal, the Court finds that federal jurisdiction is lacking. As such, the Court *sua sponte* remands this matter to state court.

Defendant removed this matter to federal Court on April 10, 2020. The notice of removal provides that the complaint was served on defendant on January 20, 2020. It further purports to invoke this Court's jurisdiction based on the existence of a federal question, as well as 28 U.S.C. § 1343, entitled "Civil rights and elective franchise." The Court has reviewed the state court complaint and notes that the claims all purport to arise under O.R.C. §4112, which is a state statute governing employment disputes. Therefore, it does not appear that plaintiff's claims arise

under federal law. Nor does 28 U.S.C. § 1343 apply in that it is directed at conspiracies arising under 42 U.S.C. § 1985 and the redress of the deprivation, under color of state law, of certain rights afforded by federal law.

Regardless, the procedure for removal is clear. A party “shall” file a notice of removal “within 30 days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which [the] action...is based....” 28 U.S.C. § 1446(b)(1). By defendant’s own admission, plaintiff perfected service of the complaint on January 20, 2020, yet defendant did not file its notice of removal until April 10, 2020. Thus, even assuming the complaint could be read to contain a basis for federal jurisdiction, defendant waited too long to remove the action. Therefore, the Court will remand this matter to state court.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge  
Chief Judge

Dated: 4/28/20